

West's Colorado Revised Statutes Annotated

Title 14. Domestic Matters

Dissolution of Marriage--Parental Responsibilities

Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-123.3

§ 14-10-123.3. Requests for parental responsibility for a child by grandparents

Currentness

Whenever a grandparent seeks parental responsibility for his or her grandchild pursuant to the provisions of this article, the court entering such order shall consider any credible evidence of the grandparent's past conduct of child abuse or neglect. Such evidence may include, but shall not be limited to, medical records, school records, police reports, information contained in records and reports of child abuse or neglect, and court records received by the court pursuant to [section 19-1-307\(2\)\(f\)](#), C.R.S.

Credits

Added by [Laws 1991, H.B.91-1255, § 1](#), eff. May 31, 1991. Amended by [Laws 1998, Ch. 310, § 4](#), eff. Feb. 1, 1999; [Laws 2003, Ch. 196, § 4](#), eff. Jan. 1, 2004.

C. R. S. A. § 14-10-123.3, CO ST § 14-10-123.3

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Dissolution of Marriage--Parental Responsibilities

Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-123.8

§ 14-10-123.8. Access to records

[Currentness](#)

Access to information pertaining to a minor child, including but not limited to medical, dental, and school records, shall not be denied to any party allocated parental responsibilities, unless otherwise ordered by the court for good cause shown.

Credits

Added by [Laws 1998, Ch. 310, § 9, eff. Feb. 1, 1999](#).

C. R. S. A. § 14-10-123.8, CO ST § 14-10-123.8

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Dissolution of Marriage--Parental Responsibilities

Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-124

§ 14-10-124. Best interests of child

Effective: July 1, 2013

[Currentness](#)

(1) **Legislative declaration.** While co-parenting is not appropriate in all circumstances following dissolution of marriage or legal separation, the general assembly finds and declares that, in most circumstances, it is in the best interest of all parties to encourage frequent and continuing contact between each parent and the minor children of the marriage after the parents have separated or dissolved their marriage. In order to effectuate this goal when appropriate, the general assembly urges parents to share the rights and responsibilities of child-rearing and to encourage the love, affection, and contact between the children and the parents.

(1.3) **Definitions.** For purposes of this section and [section 14-10-129\(2\)\(c\)](#), unless the context otherwise requires:

(a) “Domestic violence” means an act of violence or a threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship, and may include any act or threatened act against a person or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

(b) “Intimate relationship” means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both parents of the same child regardless of whether the persons have been married or have lived together at any time.

(1.5) **Allocation of parental responsibilities.** The court shall determine the allocation of parental responsibilities, including parenting time and decision-making responsibilities, in accordance with the best interests of the child giving paramount consideration to the child's safety and the physical, mental, and emotional conditions and needs of the child as follows:

(a) **Determination of parenting time.** The court, upon the motion of either party or upon its own motion, may make provisions for parenting time that the court finds are in the child's best interests unless the court finds, after a hearing, that parenting time by the party would endanger the child's physical health or significantly impair the child's emotional development. When a claim of child abuse or neglect or domestic violence has been made to the court, or the court has reason to believe that a party has committed child abuse or neglect or domestic violence, prior to determining parenting time, the court shall follow the provisions of subsection (4) of this section. In determining the best interests of the child for purposes of parenting time, the court shall consider all relevant factors, including:

(I) The wishes of the child's parents as to parenting time;

(II) The wishes of the child if he or she is sufficiently mature to express reasoned and independent preferences as to the parenting time schedule;

(III) The interaction and interrelationship of the child with his or her parents, his or her siblings, and any other person who may significantly affect the child's best interests;

(IV) The child's adjustment to his or her home, school, and community;

(V) The mental and physical health of all individuals involved, except that a disability alone shall not be a basis to deny or restrict parenting time;

(VI) The ability of the parties to encourage the sharing of love, affection, and contact between the child and the other party; except that, if the court determines that a party is acting to protect the child from witnessing domestic violence or from being a victim of child abuse or neglect or domestic violence, the party's protective actions shall not be considered with respect to this factor;

(VII) Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support;

(VIII) The physical proximity of the parties to each other as this relates to the practical considerations of parenting time;

(IX) Repealed by [Laws 2013, Ch. 218, § 2, eff. July 1, 2013](#).

(X) Repealed by [Laws 2013, Ch. 218, § 2, eff. July 1, 2013](#).

(XI) The ability of each party to place the needs of the child ahead of his or her own needs.

(b) **Allocation of decision-making responsibility.** The court, upon the motion of either party or its own motion, shall allocate the decision-making responsibilities between the parties based upon the best interests of the child. In determining decision-making responsibility, the court may allocate the decision-making responsibility with respect to each issue affecting the child mutually between both parties or individually to one or the other party or any combination thereof. When a claim of child abuse or neglect or domestic violence has been made to the court, or the court has reason to believe that a party has committed child abuse or neglect or domestic violence, prior to allocating decision-making responsibility, the court shall follow the provisions of subsection (4) of this section. In determining the best interests of the child for purposes of allocating decision-making responsibilities, the court shall consider, in addition to the factors set forth in paragraph (a) of this subsection (1.5), all relevant factors including:

(I) Credible evidence of the ability of the parties to cooperate and to make decisions jointly;

(II) Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support that would indicate an ability as mutual decision makers to provide a positive and nourishing relationship with the child;

(III) Whether an allocation of mutual decision-making responsibility on any one or a number of issues will promote more frequent or continuing contact between the child and each of the parties;

(IV) Repealed by [Laws 2013, Ch. 218, § 2, eff. July 1, 2013](#).

(V) Repealed by [Laws 2013, Ch. 218, § 2, eff. July 1, 2013](#).

(1.7) Pursuant to [section 14-10-123.4](#), children have the right to have the determination of matters relating to parental responsibilities based upon the best interests of the child. In contested hearings on final orders regarding the allocation of parental responsibilities, the court shall make findings on the record concerning the factors the court considered and the reasons why the allocation of parental responsibilities is in the best interests of the child.

(2) The court shall not consider conduct of a party that does not affect that party's relationship to the child.

(3) In determining parenting time or decision-making responsibilities, the court shall not presume that any person is better able to serve the best interests of the child because of that person's sex.

(3.5) A request by either party for genetic testing shall not prejudice the requesting party in the allocation of parental responsibilities pursuant to subsection (1.5) of this section.

(4)(a) When a claim of child abuse or neglect or domestic violence has been made to the court, or the court has reason to believe that a party has committed child abuse or neglect or domestic violence, prior to allocating parental responsibilities, including parenting time and decision-making responsibility, and prior to considering the factors set forth in paragraphs (a) and (b) of subsection (1.5) of this section, the court shall consider the following factors:

(I) Whether one of the parties has committed an act of child abuse or neglect as defined in [section 18-6-401, C.R.S.](#), or as defined under the law of any state, which factor must be supported by a preponderance of the evidence. If the court finds that one of the parties has committed child abuse or neglect, then it shall not be in the best interests of the child to allocate mutual decision-making with respect to any issue over the objection of the other party or the legal representative of the child.

(II) Whether one of the parties has committed an act of domestic violence, has engaged in a pattern of domestic violence, or has a history of domestic violence, which factor must be supported by a preponderance of the evidence. If the court finds by a preponderance of the evidence that one of the parties has committed domestic violence:

(A) It shall not be in the best interests of the child to allocate mutual decision-making responsibility over the objection of the other party or the legal representative of the child, unless the court finds that there is credible evidence of the ability of the parties to make decisions cooperatively in the best interest of the child in a manner that is safe for the abused party and the child; and

- (B) The court shall not appoint a parenting coordinator solely to ensure that mutual decision-making can be accomplished.
- (b) The court shall consider the additional factors set forth in paragraphs (a) and (b) of subsection (1.5) of this section in light of any finding of child abuse or neglect or domestic violence pursuant to this subsection (4).
- (c) If a party is absent or leaves home because of an act or threatened act of domestic violence committed by the other party, such absence or leaving shall not be a factor in determining the best interests of the child.
- (d) When the court finds by a preponderance of the evidence that one of the parties has committed child abuse or neglect or domestic violence, the court shall consider, as the primary concern, the safety and well-being of the child and the abused party.
- (e) When the court finds by a preponderance of the evidence that one of the parties has committed child abuse or neglect or domestic violence, in formulating or approving a parenting plan, the court shall consider conditions on parenting time that ensure the safety of the child and of the abused party. In addition to any provisions set forth in subsection (7) of this section that are appropriate, the parenting plan in these cases may include, but is not limited to, the following provisions:
- (I) An order limiting contact between the parties to contact that the court deems is safe and that minimizes unnecessary communication between the parties;
- (II) An order that requires the exchange of the child for parenting time to occur in a protected setting determined by the court;
- (III) An order for supervised parenting time;
- (IV) An order restricting overnight parenting time;
- (V) An order that restricts the party who has committed domestic violence or child abuse or neglect from possessing or consuming alcohol or controlled substances during parenting time or for twenty-four hours prior to the commencement of parenting time;
- (VI) An order directing that the address of the child or of any party remain confidential; and
- (VII) An order that imposes any other condition on one or more parties that the court determines is necessary to protect the child, another party, or any other family or household member of a party.
- (f) When the court finds by a preponderance of the evidence that one of the parties has committed domestic violence, the court may order the party to submit to a domestic violence evaluation. If the court determines, based upon the results of the evaluation, that treatment is appropriate, the court may order the party to participate in domestic violence treatment. At any time, the court may require a subsequent evaluation to determine whether additional treatment is necessary. If the court awards parenting time to a party who has been ordered to participate in domestic violence treatment, the court may order the party to obtain a report

from the treatment provider concerning the party's progress in treatment and addressing any ongoing safety concerns regarding the party's parenting time. The court may order the party who has committed domestic violence to pay the costs of the domestic violence evaluations and treatment.

(5) Repealed by Laws 1987, H.B.1019, § 6, eff. July 1, 1987.

(6) In the event of a medical emergency, either party shall be allowed to obtain necessary medical treatment for the minor child or children without being in violation of the order allocating decision-making responsibility or in contempt of court.

(7) In order to implement an order allocating parental responsibilities, both parties may submit a parenting plan or plans for the court's approval that shall address both parenting time and the allocation of decision-making responsibilities. If no parenting plan is submitted or if the court does not approve a submitted parenting plan, the court, on its own motion, shall formulate a parenting plan that shall address parenting time and the allocation of decision-making responsibilities. When issues relating to parenting time are contested, and in other cases where appropriate, the parenting plan must be as specific as possible to clearly address the needs of the family as well as the current and future needs of the aging child. In general, the parenting plan may include, but is not limited to, the following provisions:

(a) A designation of the type of decision-making awarded;

(b) A practical schedule of parenting time for the child, including holidays and school vacations;

(c) A procedure for the exchanges of the child for parenting time, including the location of the exchanges and the party or parties responsible for the child's transportation;

(d) A procedure for communicating with each other about the child, including methods for communicating and frequency of communication;

(e) A procedure for communication between a parent and the child outside of that parent's parenting time, including methods for communicating and frequency of communication; and

(f) Any other orders in the best interests of the child.

(8) The court may order mediation, pursuant to [section 13-22-311, C.R.S.](#), to assist the parties in formulating or modifying a parenting plan or in implementing a parenting plan specified in subsection (7) of this section and may allocate the cost of said mediation between the parties.

Credits

Amended by Laws 1979, S.B.185, § 1, March 2, 1979; Laws 1981, S.B.276, § 1, eff. May 22, 1981; Laws 1983, S.B.286, §§ 3, 4, eff. June 10, 1983; Laws 1987, H.B.1019, §§ 3, 6, eff. July 1, 1987; Laws 1987, H.B.1355, § 22, eff. July 1, 1987; [Laws 1998, Ch. 310, § 10, eff. Feb. 1, 1999](#); [Laws 2005, Ch. 111, § 2, eff. Jan. 1, 2006](#); [Laws 2005, Ch. 244, § 6, eff. July 1, 2005](#); [Laws 2010, Ch. 87, § 1, eff. July 1, 2010](#); [Laws 2013, Ch. 218, § 2, eff. July 1, 2013](#).

[Notes of Decisions \(190\)](#)

C. R. S. A. § 14-10-124, CO ST § 14-10-124

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Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-124.3

§ 14-10-124.3. Stay of proceedings--criminal charges of allegations of sexual assault

Effective: July 1, 2013

[Currentness](#)

If criminal charges alleging an act of sexual assault, as defined in [section 19-1-103\(96.5\), C.R.S.](#), are brought against the parent of a child alleging that a child was conceived as a result of the alleged sexual assault committed by that parent against the parent who is the alleged victim of the sexual assault, the court shall issue an automatic stay of any civil domestic proceedings under this article or of any paternity proceedings under the “Uniform Parentage Act”, article 4 of title 19, C.R.S., involving both the child and the parent who is the alleged perpetrator. The stay shall not be lifted until there is a final disposition of the criminal charges. In any future domestic proceedings under this article or any paternity proceedings under the “Uniform Parentage Act”, article 4 of title 19, C.R.S., continued after the final disposition of the criminal charges, any denial of parenting time by the victim of the alleged sexual assault while the criminal charges were pending shall not be used in any way against the victim.

Credits

Added by [Laws 2013, Ch. 353, § 4, eff. July 1, 2013](#).

C. R. S. A. § 14-10-124.3, CO ST § 14-10-124.3

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Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-125

§ 14-10-125. Temporary orders

Currentness

(1) A party to a proceeding concerning the allocation of parental responsibilities may move for a temporary order. The court may allocate temporary parental responsibilities, including temporary parenting time and temporary decision-making responsibility, after a hearing.

(2) If a proceeding for dissolution of marriage or legal separation is dismissed, any temporary order concerning the allocation of parental responsibilities is vacated unless a parent or the person allocated parental responsibilities moves that the proceeding continue as a proceeding concerning the allocation of parental responsibilities and the court finds, after a hearing, that the circumstances of the parents and the best interests of the child require that a decree concerning the allocation of parental responsibilities be issued.

(3) If a proceeding concerning the allocation of parental responsibilities commenced in the absence of a petition for dissolution of marriage or legal separation is dismissed, any temporary order concerning the allocation of parental responsibilities is vacated.

Credits

Amended by Laws 1984, S.B.75, § 1, eff. March 16, 1984; [Laws 1998, Ch. 310, § 11, eff. Feb. 1, 1999](#).

[Notes of Decisions \(9\)](#)

C. R. S. A. § 14-10-125, CO ST § 14-10-125

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C.R.S.A. § 14-10-126

§ 14-10-126. Interviews

Currentness

(1) The court may interview the child in chambers to ascertain the child's wishes as to the allocation of parental responsibilities. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made, and it shall be made part of the record in the case.

(2) The court may seek the advice of professional personnel whether or not they are employed on a regular basis by the court. The advice given shall be in writing and shall be made available by the court to counsel of record, parties, and other expert witnesses upon request, but it shall otherwise be considered confidential and shall be sealed and shall not be open to inspection, except by consent of the court. Counsel may call for cross-examination any professional personnel consulted by the court.

Credits

Amended by [Laws 1998, Ch. 310, § 12, eff. Feb. 1, 1999](#).

[Notes of Decisions \(13\)](#)

C. R. S. A. § 14-10-126, CO ST § 14-10-126

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Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-127

§ 14-10-127. Evaluation and reports--disclosure

Effective: July 1, 2013

[Currentness](#)

(1)(a)(I) In all proceedings concerning the allocation of parental responsibilities with respect to a child, the court may, upon motion of either party or upon its own motion, order any county or district social services department or a licensed mental health professional qualified pursuant to subsection (4) of this section to perform an evaluation and file a written report concerning the disputed issues relating to the allocation of parental responsibilities for the child, unless such motion by either party is made for the purpose of delaying the proceedings. Any court or social services department personnel appointed by the court to do such evaluation shall be qualified pursuant to subsection (4) of this section. When a mental health professional performs the evaluation, the court shall appoint or approve the selection of the mental health professional. Within seven days after the appointment, the evaluator shall comply with the disclosure provisions of subsection (1.2) of this section. The court shall, at the time of the appointment of the evaluator, order one or more of the parties to deposit a reasonable sum with the court to pay the cost of the evaluation. The court may order the reasonable charge for such evaluation and report to be assessed as costs between the parties at the time the evaluation is completed.

(1.3) In determining whether to order an evaluation pursuant to this section, in addition to any other considerations the court deems relevant, the court shall consider:

(A) Whether an investigation by a child and family investigator pursuant to [section 14-10-116.5](#) would be sufficient or appropriate given the scope or nature of the disputed issues relating to the allocation of parental responsibilities for the child;

(B) Whether an evaluation pursuant to this section is necessary to assist the court in determining the best interests of the child; and

(C) Whether involving the child in an evaluation pursuant to this section is in the best interests of the child.

(1.5) A party may request a supplemental evaluation to the evaluation ordered pursuant to subparagraph (I) of this paragraph

(a). The court shall appoint another mental health professional to perform the supplemental evaluation at the initial expense of the moving party. The person appointed to perform the supplemental evaluation shall comply with the disclosure provisions of subsection (1.2) of this section. The court shall not order a supplemental evaluation if it determines that any of the following applies, based on motion and supporting affidavits:

(A) Such motion is interposed for purposes of delay;

(B) A party objects, and the party who objects or the child has a physical or mental condition that would make it harmful for such party or the child to participate in the supplemental evaluation;

(C) The purpose of such motion is to harass or oppress the other party;

(D) The moving party has failed or refused to cooperate with the first evaluation;

(E) The weight of the evidence other than the evaluation concerning the allocation of parental responsibilities or parenting time by the mental health professional demonstrates that a second evaluation would not be of benefit to the court in determining the allocation of parental responsibilities and parenting time; or

(F) In addition to the evaluation ordered pursuant to subparagraph (I) of this paragraph (a), there has been an investigation and report prepared by a child and family investigator pursuant to [section 14-10-116.5](#), and the court finds that a supplemental evaluation concerning parental responsibilities will not serve the best interests of the child.

(II) Each party and the child shall cooperate in the supplemental evaluation. If the court finds that the supplemental evaluation was necessary and materially assisted the court, the court may order the costs of such supplemental evaluation to be assessed as costs between the parties. Except as otherwise provided in this section, such report shall be considered confidential and shall not be available for public inspection unless by order of court. The cost of each probation department or department of human services evaluation shall be based on an ability to pay and shall be assessed as part of the costs of the action or proceeding, and, upon receipt of such sum by the clerk of court, it shall be transmitted to the department or agency performing the evaluation.

(b) The person signing a report or evaluation and supervising its preparation shall be a licensed mental health professional. The mental health professional may have associates or persons working under him or her who are unlicensed.

(1.2)(a) Within seven days after his or her appointment, the evaluator shall disclose to each party, attorneys of record, and the court any familial, financial, or social relationship that the evaluator has or has had with the child, either party, the attorneys of record, or the judicial officer and, if a relationship exists, the nature of the relationship.

(b) Based on the disclosure required pursuant to paragraph (a) of this subsection (1.2), the court may, in its discretion, terminate the appointment and appoint a different evaluator in the proceedings. A party has seven days from the date of the disclosure to object to the appointment based upon information contained in the disclosure. If a party objects to the appointment, the court shall appoint a different person or confirm the appointment within seven days after the date of the party's objection. If no party timely objects to the appointment, then the appointment is deemed confirmed.

(2) In preparing the report concerning a child, the evaluator may consult any person who may have information about the child and the child's potential parenting arrangements. Upon order of the court, the evaluator may refer the child to other professional personnel for diagnosis. The evaluator may consult with and obtain information from medical, mental health, educational, or other expert persons who have served the child in the past without obtaining the consent of the parent or the person allocated parental responsibilities for the child; but the child's consent must be obtained if the child has reached the age of fifteen years unless the court finds that the child lacks mental capacity to consent. If the requirements of subsections (3) to (7) of this section are fulfilled, the evaluator's report may be received in evidence at the hearing.

(3) The evaluator shall mail the report to the court and to counsel and to any party not represented by counsel at least twenty-one days prior to the hearing. The evaluator shall make available to counsel and to any party not represented by counsel his or her file of underlying data and reports, complete texts of diagnostic reports made to the evaluator pursuant to the provisions of subsections (2), (5), and (6) of this section, and the names and addresses of all persons whom the evaluator has consulted. Any party to the proceeding may call the evaluator and any person with whom the evaluator has consulted for cross-examination. No party may waive his or her right of cross-examination prior to the hearing.

(4) A person shall not be allowed to testify regarding a parental responsibilities or parenting time evaluation that the person has performed pursuant to this section unless the court finds that the person is qualified as competent, by training and experience, in the areas of:

- (a) The effects of divorce and remarriage on children, adults, and families;
- (b) Appropriate parenting techniques;
- (c) Child development, including cognitive, personality, emotional, and psychological development;
- (d) Child and adult psychopathology;
- (e) Applicable clinical assessment techniques; and
- (f) Applicable legal and ethical requirements of parental responsibilities evaluation.

(5) If evaluation is indicated in an area which is beyond the training or experience of the evaluator, the evaluator shall consult with a mental health professional qualified by training or experience in that area. Such areas may include, but are not limited to, domestic violence, child abuse, alcohol or substance abuse, or psychological testing.

(6)(a) A mental health professional may make specific recommendations when the mental health professional has interviewed and assessed all parties to the dispute, assessed the quality of the relationship, or the potential for establishing a quality relationship, between the child and each of the parties, and had access to pertinent information from outside sources.

(b) A mental health professional may make recommendations even though all parties and the child have not been evaluated by the same mental health professional in the following circumstances if the mental health professional states with particularity in his or her opinion the limitations of his or her findings and recommendations:

(I) Any of the parties reside outside Colorado and it would not be feasible for all parties and the child to be evaluated by the same mental health professional; or

(II) One party refuses or is unable to cooperate with the court-ordered evaluation; or

(III) The mental health professional is a member of a team of professionals that performed the evaluation and is presenting recommendations of the team that has interviewed and assessed all parties to the dispute.

(7)(a) A written report of the evaluation shall be provided to the court and to the parties pursuant to subsection (3) of this section.

(b) The report of the evaluation shall include, but need not be limited to, the following information:

(I) A description of the procedures employed during the evaluation;

(II) A report of the data collected;

(III) A conclusion that explains how the resulting recommendations were reached from the data collected, with specific reference to criteria listed in [section 14-10-124\(1.5\)](#), and, if applicable, to the criteria listed in [section 14-10-131](#), and their relationship to the results of the evaluation;

(IV) Recommendations concerning the allocation of parental responsibilities for the child, including decision-making responsibility, parenting time, and other considerations; and

(V) An explanation of any limitations in the evaluations or any reservations regarding the resulting recommendations.

(8) All evaluations and reports, including but not limited to supplemental evaluations and related medical and mental health information, that are submitted to the court pursuant to this section shall be deemed confidential without the necessity of filing a motion to seal or otherwise limit access to the court file under the Colorado rules of civil procedure. An evaluation or report that is deemed confidential under this subsection (8) shall not be made available for public inspection without an order of the court authorizing public inspection.

Credits

Amended by Laws 1976, H.B.1092, eff. April 16, 1976, § 1; Laws 1979, S.B.187, § 1, eff. March 2, 1979; Laws 1983, H.B.1383, § 1, eff. June 10, 1983; Laws 1988, H.B.1105, § 1, eff. May 11, 1988; [Laws 1993, S.B.93-25, § 10, eff. July 1, 1993](#); [Laws 1994, H.B.94-1029, § 108, eff. July 1, 1994](#); [Laws 1996, H.B.96-1208, § 1, eff. Jan. 1, 1997](#); [Laws 1998, Ch. 310, § 13, eff. Feb. 1, 1999](#); [Laws 2005, Ch. 244, § 10, eff. July 1, 2005](#); [Laws 2005, Ch. 277, § 1, eff. June 3, 2005](#); [Laws 2006, Ch. 129, § 1, eff. April 13, 2006](#); [Laws 2012, Ch. 108, § 3, eff. July 1, 2012](#); [Laws 2012, Ch. 208, § 30, eff. July 1, 2012](#); [Laws 2013, Ch. 218, § 3, eff. July 1, 2013](#).

[Notes of Decisions \(41\)](#)

C. R. S. A. § 14-10-127, CO ST § 14-10-127

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Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-128

§ 14-10-128. Hearings

Currentness

- (1) Proceedings concerning the allocation of parental responsibilities with respect to a child shall receive priority in being set for hearing.
- (2) The court may tax as costs the payment of necessary travel and other expenses incurred by any person whose presence at the hearing the court deems necessary to determine the best interests of the child.
- (3) The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interests, the court may exclude the public from a hearing concerning the allocation of parental responsibilities but may admit any person who has a direct and legitimate interest in the particular case or a legitimate educational or research interest in the work of the court.
- (4) If the court finds it necessary in order to protect the child's welfare that the record of any interview, report, investigation, or testimony in a proceeding concerning the allocation of parental responsibilities be kept secret, the court shall make an appropriate order sealing the record.

Credits

Amended by [Laws 1998, Ch. 310, § 14, eff. Feb. 1, 1999](#).

[Notes of Decisions \(3\)](#)

C. R. S. A. § 14-10-128, CO ST § 14-10-128

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Dissolution of Marriage--Parental Responsibilities

Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-128.1

§ 14-10-128.1. Appointment of parenting coordinator--disclosure

Effective: July 1, 2012

[Currentness](#)

(1) Pursuant to the provisions of this section, at any time after the entry of an order concerning parental responsibilities and upon notice to the parties, the court may, on its own motion, a motion by either party, or an agreement of the parties, appoint a parenting coordinator as a neutral third party to assist in the resolution of disputes between the parties concerning parental responsibilities, including but not limited to implementation of the court-ordered parenting plan. The parenting coordinator shall be a neutral person with appropriate training and qualifications and an independent perspective acceptable to the court. Within seven days after the appointment, the appointed person shall comply with the disclosure provisions of subsection (2.5) of this section.

(2)(a) Absent agreement of the parties, a court shall not appoint a parenting coordinator unless the court makes the following findings:

(I) That the parties have failed to adequately implement the parenting plan;

(II) That mediation has been determined by the court to be inappropriate, or, if not inappropriate, that mediation has been attempted and was unsuccessful; and

(III) That the appointment of a parenting coordinator is in the best interests of the child or children involved in the parenting plan.

(b) In addition to making the findings required pursuant to paragraph (a) of this subsection (2), prior to appointing a parenting coordinator, the court may consider the effect of any claim or documented evidence of domestic violence, as defined in [section 14-10-124\(1.3\)\(a\)](#), by the other party on the parties' ability to engage in parent coordination.

(2.5)(a) Within seven days after his or her appointment, the appointed person shall disclose to each party, attorneys of record, and the court any familial, financial, or social relationship that the appointed person has or has had with the child, either party, the attorneys of record, or the judicial officer and, if a relationship exists, the nature of the relationship.

(b) Based on the disclosure required pursuant to paragraph (a) of this subsection (2.5), the court may, in its discretion, terminate the appointment and appoint a different person in the proceedings. A party has seven days from the date of the disclosure to object to the appointment based upon information contained in the disclosure. If a party objects to the appointment, the court shall appoint a different person or confirm the appointment within seven days after the date of the party's objection. If no party timely objects to the appointment, then the appointment is deemed confirmed.

(3) A parenting coordinator shall assist the parties in implementing the terms of the parenting plan. Duties of a parenting coordinator include, but are not limited to, the following:

- (a) Assisting the parties in creating an agreed-upon, structured guideline for implementation of the parenting plan;
- (b) Developing guidelines for communication between the parties and suggesting appropriate resources to assist the parties in learning appropriate communication skills;
- (c) Informing the parties about appropriate resources to assist them in developing improved parenting skills;
- (d) Assisting the parties in realistically identifying the sources and causes of conflict between them, including but not limited to identifying each party's contribution to the conflict, when appropriate; and
- (e) Assisting the parties in developing parenting strategies to minimize conflict.

(4)(a) The court may not appoint a person pursuant to this section to serve in a case as a parenting coordinator if the person has served or is serving in the same case as an evaluator pursuant to [section 14-10-127](#) or a representative of the child pursuant to [section 14-10-116](#). After appointing a person pursuant to this section to serve as a parenting coordinator in a case, the court may not subsequently appoint the person to serve in the same case as an evaluator pursuant to [section 14-10-127](#) or a representative of the child pursuant to [section 14-10-116](#).

(b) The court may appoint a person who has served or is serving in a case as a child and family investigator pursuant to [section 14-10-116.5](#) to serve in the same case as the parenting coordinator, upon the agreement of the parties. After appointing a person pursuant to this section to serve as a parenting coordinator in a case, the court may not subsequently appoint the person to serve as a child and family investigator in the same case pursuant to [section 14-10-116.5](#).

(5) A court order appointing a parenting coordinator shall be for a specified term; except that the court order shall not appoint a parenting coordinator for a period of longer than two years. If an order fails to specify the length of the court-ordered appointment, it shall be construed to be two years from the date of appointment. Upon agreement of the parties, the court may extend, modify, or terminate the appointment, including extending the appointment beyond two years from the date of the original appointment. The court may terminate the appointment of the parenting coordinator at any time for good cause. The court shall allow the parenting coordinator to withdraw at any time.

(6) A court order appointing a parenting coordinator shall include apportionment of the responsibility for payment of all of the parenting coordinator's fees between the parties. The state shall not be responsible for payment of fees to a parenting coordinator appointed pursuant to this section.

(7)(a) A parenting coordinator appointed by the court pursuant to this section shall be immune from civil liability in any claim for injury that arises out of an act or omission of the parenting coordinator occurring on or after April 16, 2009, during the

performance of his or her duties or during the performance of any act that a reasonable parenting coordinator would believe was within the scope of his or her duties unless the act or omission causing the injury was willful and wanton.

(b) Nothing in this subsection (7) shall be construed to bar a party from asserting a claim:

(I) Based upon a parenting coordinator's failure to comply with the provision set forth in subsection (8) of this section;

(II) Related to the reasonableness or accuracy of any fee charged or time billed by a parenting coordinator; or

(III) Based upon a negligent act or omission involving the operation of a motor vehicle by a parenting coordinator.

(c)(I) In a judicial proceeding, administrative proceeding, or other similar proceeding between the parties to the action, a parenting coordinator shall not be competent to testify and may not be required to produce records as to any statement, conduct, or decision that occurred during the parenting coordinator's appointment to the same extent as a judge of a court of this state acting in a judicial capacity.

(II) This paragraph (c) shall not apply:

(A) To the extent testimony or production of records by the parenting coordinator is necessary to determine a claim of the parenting coordinator against a party; or

(B) To the extent testimony or production of records by the parenting coordinator is necessary to determine a claim of a party against a parenting coordinator; or

(C) When both parties have agreed, in writing, to authorize the parenting coordinator to testify.

(d) If a person commences a civil action against a parenting coordinator arising from the services of the parenting coordinator, or if a person seeks to compel a parenting coordinator to testify or produce records in violation of paragraph (c) of this subsection (7), and the court determines that the parenting coordinator is immune from civil liability or that the parenting coordinator is not competent to testify, the court shall award to the parenting coordinator reasonable attorney fees and reasonable expenses of litigation.

(8) The parenting coordinator shall comply with any applicable provisions set forth in chief justice directives and any other practice or ethical standards established by rule, statute, guideline, or licensing board that regulates the parenting coordinator.

Credits

Added by [Laws 2005, Ch. 243, § 1, eff. June 2, 2005](#). Amended by [Laws 2005, Ch. 244, § 11, eff. July 1, 2005](#); [Laws 2009, Ch. 121, § 1, eff. April 16, 2009](#); [Laws 2012, Ch. 108, § 4, eff. July 1, 2012](#).

[Notes of Decisions \(9\)](#)

C. R. S. A. § 14-10-128.1, CO ST § 14-10-128.1

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West's Colorado Revised Statutes Annotated

Title 14. Domestic Matters

Dissolution of Marriage--Parental Responsibilities

Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-128.3

§ 14-10-128.3. Appointment of decision-maker--disclosure

Effective: July 1, 2012

[Currentness](#)

(1) In addition to the appointment of a parenting coordinator pursuant to [section 14-10-128.1](#) or an arbitrator pursuant to [section 14-10-128.5](#), at any time after the entry of an order concerning parental responsibilities and upon written consent of both parties, the court may appoint a qualified domestic relations decision-maker and grant to the decision-maker binding authority to resolve disputes between the parties as to implementation or clarification of existing orders concerning the parties' minor or dependent children, including but not limited to disputes concerning parenting time, specific disputed parental decisions, and child support. A decision-maker shall have the authority to make binding determinations to implement or clarify the provisions of a pre-existing court order in a manner that is consistent with the substantive intent of the court order. The decision-maker appointed pursuant to the provisions of this section may be the same person as the parenting coordinator appointed pursuant to [section 14-10-128.1](#). At the time of the appointment, the appointed person shall comply with the disclosure provisions of subsection (4.5) of this section.

(2) The decision-maker's procedures for making determinations shall be in writing and shall be approved by the parties prior to the time the decision-maker begins to resolve a dispute of the parties. If a party is unable or unwilling to agree to the decision-maker's procedures, the decision-maker shall be allowed to withdraw from the matter.

(3) All decisions made by the decision-maker pursuant to this section shall be in writing, dated, and signed by the decision-maker. Decisions of the decision-maker shall be filed with the court and mailed to the parties or to counsel for the parties, if any, no later than twenty days after the date the decision is issued. All decisions shall be effective immediately upon issuance and shall continue in effect until vacated, corrected, or modified by the decision-maker or until an order is entered by a court pursuant to a de novo hearing under subsection (4) of this section.

(4)(a) A party may file a motion with the court requesting that a decision of the decision-maker be modified by the court pursuant to a de novo hearing. A motion for a de novo hearing shall be filed no later than thirty-five days after the date the decision is issued pursuant to subsection (3) of this section.

(b) If a court, in its discretion based on the pleadings filed, grants a party's request for a de novo hearing to modify the decision of the decision-maker and the court substantially upholds the decision of the decision-maker, the party that requested the de novo hearing shall pay the fees and costs of the other party and shall pay the fees and costs incurred by the decision-maker in connection with the request for de novo hearing, unless the court finds that it would be manifestly unjust.

(4.5)(a) Within seven days after his or her appointment, the appointed person shall disclose to each party, attorneys of record, and the court any familial, financial, or social relationship that the appointed person has or has had with the child, either party, the attorneys of record, or the judicial officer and, if a relationship exists, the nature of the relationship.

(b) Based on the disclosure required pursuant to paragraph (a) of this subsection (4.5), the court may, in its discretion, terminate the appointment and appoint a different person in the proceedings. A party has seven days from the date of the disclosure to object to the appointment based upon information contained in the disclosure. If a party objects to the appointment, the court shall appoint a different person or confirm the appointment within seven days after the date of the party's objection. If no party timely objects to the appointment, then the appointment is deemed confirmed.

(5) A court order appointing a decision-maker shall be for a specified term; except that the court order shall not appoint a decision-maker for a period of longer than two years. If an order fails to specify the length of the court-ordered appointment, it shall be construed to be two years from the date of appointment. Upon agreement of the parties, the court may extend, modify, or terminate the appointment, including extending the appointment beyond two years from the date of the original appointment. The court may terminate the appointment of the decision-maker at any time for good cause. The court shall allow the decision-maker to withdraw at any time.

(6) A court order appointing a decision-maker shall include apportionment of the responsibility for payment of all of the decision-maker's fees between the parties. The state shall not be responsible for payment of fees to a decision-maker appointed pursuant to this section.

(7)(a) A decision-maker shall be immune from liability in any claim for injury that arises out of an act or omission of the decision-maker occurring during the performance of his or her duties or during the performance of an act that the decision-maker reasonably believed was within the scope of his or her duties unless the act or omission causing such injury was willful and wanton.

(b) Nothing in this subsection (7) shall be construed to bar a party from asserting a claim related to the reasonableness or accuracy of any fee charged or time billed by a decision-maker.

(c)(I) In a judicial proceeding, administrative proceeding, or other similar proceeding, a decision-maker shall not be competent to testify and may not be required to produce records as to any statement, conduct, or decision, that occurred during the decision-maker's appointment, to the same extent as a judge of a court of this state acting in a judicial capacity.

(II) This paragraph (c) shall not apply:

(A) To the extent testimony or production of records by the decision-maker is necessary to determine the claim of the decision-maker against a party; or

(B) To the extent testimony or production of records by the decision-maker is necessary to determine a claim of a party against a decision-maker; or

(C) When both parties have agreed, in writing, to authorize the decision-maker to testify.

(d) If a person commences a civil action against a decision-maker arising from the services of the decision-maker, or if a person seeks to compel a decision-maker to testify or produce records in violation of paragraph (c) of this subsection (7), and the court decides that the decision-maker is immune from civil liability or that the decision-maker is not competent to testify, the court shall award to the decision-maker reasonable attorney fees and reasonable expenses of litigation.

(8) The decision-maker shall comply with any applicable provisions set forth in chief justice directives and any other practice or ethical standards established by rule, statute, or licensing board that regulates the decision-maker.

Credits

Added by [Laws 2005, Ch. 243, § 1, eff. June 2, 2005](#). Amended by [Laws 2012, Ch. 108, § 5, eff. July 1, 2012](#); [Laws 2012, Ch. 208, § 31, eff. July 1, 2012](#).

C. R. S. A. § 14-10-128.3, CO ST § 14-10-128.3

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West's Colorado Revised Statutes Annotated

Title 14. Domestic Matters

Dissolution of Marriage--Parental Responsibilities

Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-128.5

§ 14-10-128.5. Appointment of arbitrator--de novo hearing of award

Effective: July 1, 2012

[Currentness](#)

(1) With the consent of all parties, the court may appoint an arbitrator to resolve disputes between the parties concerning the parties' minor or dependent children, including but not limited to parenting time, nonrecurring adjustments to child support, and disputed parental decisions. Notwithstanding any other provision of law to the contrary, all awards entered by an arbitrator appointed pursuant to this section shall be in writing. The arbitrator's award shall be effective immediately upon entry and shall continue in effect until vacated by the arbitrator pursuant to part 2 of article 22 of title 13, C.R.S., modified or corrected by the arbitrator pursuant to part 2 of article 22 of title 13, C.R.S., or modified by the court pursuant to a de novo hearing under subsection (2) of this section.

(2) Any party may apply to have the arbitrator's award vacated, modified, or corrected pursuant to part 2 of article 22 of title 13, C.R.S., or may move the court to modify the arbitrator's award pursuant to a de novo hearing concerning such award by filing a motion for hearing no later than thirty-five days after the date of the award. In circumstances in which a party moves for a de novo hearing by the court, if the court, in its discretion based on the pleadings filed, grants the motion and the court substantially upholds the decision of the arbitrator, the party that requested the de novo hearing shall be ordered to pay the fees and costs of the other party and the fees of the arbitrator incurred in responding to the application or motion unless the court finds that it would be manifestly unjust.

Credits

Added by [Laws 1997, H.B.97-1103, § 2, eff. July 1, 1997](#). Amended by [Laws 2004, Ch. 363, § 3, eff. Aug. 4, 2004](#); [Laws 2005, Ch. 243, § 2, eff. June 2, 2005](#); [Laws 2012, Ch. 208, § 32, eff. July 1, 2012](#).

[Notes of Decisions \(7\)](#)

C. R. S. A. § 14-10-128.5, CO ST § 14-10-128.5

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West's Colorado Revised Statutes Annotated

Title 14. Domestic Matters

Dissolution of Marriage--Parental Responsibilities

Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-129

§ 14-10-129. Modification of parenting time

Effective: July 1, 2013

[Currentness](#)

(1)(a)(I) Except as otherwise provided in subparagraph (I) of paragraph (b) of this subsection (1), the court may make or modify an order granting or denying parenting time rights whenever such order or modification would serve the best interests of the child.

(II) In those cases in which a party with whom the child resides a majority of the time is seeking to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party, the court, in determining whether the modification of parenting time is in the best interests of the child, shall take into account all relevant factors, including those enumerated in paragraph (c) of subsection (2) of this section. The party who is intending to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party shall provide the other party with written notice as soon as practicable of his or her intent to relocate, the location where the party intends to reside, the reason for the relocation, and a proposed revised parenting time plan. A court hearing on any modification of parenting time due to an intent to relocate shall be given a priority on the court's docket.

(b)(I) The court shall not restrict a parent's parenting time rights unless it finds that the parenting time would endanger the child's physical health or significantly impair the child's emotional development. Nothing in this section shall be construed to affect grandparent visitation granted pursuant to [section 19-1-117, C.R.S.](#)

(II) The provisions of subparagraph (I) of this paragraph (b) shall not apply in those cases in which a party with whom the child resides a majority of the time is intending to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party.

(1.5) If a motion for a substantial modification of parenting time which also changes the party with whom the child resides a majority of the time has been filed, whether or not it has been granted, no subsequent motion may be filed within two years after disposition of the prior motion unless the court decides, on the basis of affidavits, that the child's present environment may endanger the child's physical health or significantly impair the child's emotional development or that the party with whom the child resides a majority of the time is intending to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party.

(2) The court shall not modify a prior order concerning parenting time that substantially changes the parenting time as well as changes the party with whom the child resides a majority of the time unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or the party with whom the child resides the majority of the time and that the modification is necessary to serve

the best interests of the child. In applying these standards, the court shall retain the parenting time schedule established in the prior decree unless:

(a) The parties agree to the modification; or

(b) The child has been integrated into the family of the moving party with the consent of the other party; or

(c) The party with whom the child resides a majority of the time is intending to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party. A court hearing on any modification of parenting time due to an intent to relocate shall be given a priority on the court's docket. In determining whether the modification of parenting time is in the best interests of the child, the court shall take into account all relevant factors, including whether a party has committed an act of domestic violence, has engaged in a pattern of domestic violence, or has a history of domestic violence, as that term is defined in [section 14-10-124\(1.3\)](#), which factor shall be supported by a preponderance of the evidence, and shall consider such domestic violence whether it occurred before or after the prior decree, and all other factors enumerated in [section 14-10-124\(1.5\)\(a\)](#) and:

(I) The reasons why the party wishes to relocate with the child;

(II) The reasons why the opposing party is objecting to the proposed relocation;

(III) The history and quality of each party's relationship with the child since any previous parenting time order;

(IV) The educational opportunities for the child at the existing location and at the proposed new location;

(V) The presence or absence of extended family at the existing location and at the proposed new location;

(VI) Any advantages of the child remaining with the primary caregiver;

(VII) The anticipated impact of the move on the child;

(VIII) Whether the court will be able to fashion a reasonable parenting time schedule if the change requested is permitted; and

(IX) Any other relevant factors bearing on the best interests of the child; or

(d) The child's present environment endangers the child's physical health or significantly impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

(3)(a) If a parent has been convicted of any of the crimes listed in paragraph (b) of this subsection (3) or convicted in another state or jurisdiction, including but not limited to a military or federal jurisdiction, of an offense that, if committed in Colorado, would constitute any of the crimes listed in paragraph (b) of this subsection (3), or convicted of any crime in which the underlying factual basis has been found by the court on the record to include an act of domestic violence, as defined in [section 18-6-800.3 \(1\), C.R.S.](#), that constitutes a potential threat or endangerment to the child, the other parent, or any other person who has been granted custody of or parental responsibility for the child pursuant to court order may file an objection to parenting time with the court. The other parent or other person having custody or parental responsibility shall give notice to the offending parent of such objection as provided by the Colorado rules of civil procedure, and the offending parent shall have twenty-one days from such notice to respond. If the offending parent fails to respond within twenty-one days, the parenting time rights of such parent shall be suspended until further order of the court. If such parent responds and objects, a hearing shall be held within thirty-five days of such response. The court may determine that any offending parent who responds and objects shall be responsible for the costs associated with any hearing, including reasonable attorney fees incurred by the other parent. In making such determination, the court shall consider the criminal record of the offending parent and any actions to harass the other parent and the children, any mitigating actions by the offending parent, and whether the actions of either parent have been substantially frivolous, substantially groundless, or substantially vexatious. The offending parent shall have the burden at the hearing to prove that parenting time by such parent is in the best interests of the child or children.

(b) The provisions of paragraph (a) of this subsection (3) shall apply to the following crimes:

(I) Murder in the first degree, as defined in [section 18-3-102, C.R.S.](#);

(II) Murder in the second degree, as defined in [section 18-3-103, C.R.S.](#);

(III) Enticement of a child, as defined in [section 18-3-305, C.R.S.](#);

(IV)(A) Sexual assault, as described in [section 18-3-402, C.R.S.](#); and

(B) Sexual assault in the first degree, as described in [section 18-3-402, C.R.S.](#), as it existed prior to July 1, 2000;

(V) Sexual assault in the second degree, as described in [section 18-3-403, C.R.S.](#), as it existed prior to July 1, 2000;

(VI)(A) Unlawful sexual contact if the victim is compelled to submit, as described in [section 18-3-404\(2\), C.R.S.](#); and

(B) Sexual assault in the third degree if the victim is compelled to submit, as described in [section 18-3-404\(2\), C.R.S.](#), as it existed prior to July 1, 2000;

(VII) Sexual assault on a child, as defined in [section 18-3-405, C.R.S.](#);

(VIII) Incest, as described in [section 18-6-301, C.R.S.](#);

- (IX) Aggravated incest, as described in [section 18-6-302, C.R.S.](#);
- (X) Child abuse, as described in [section 18-6-401\(7\)\(a\)\(I\) to \(7\)\(a\)\(IV\), C.R.S.](#);
- (XI) Trafficking in children, as defined in [section 18-3-502, C.R.S.](#);
- (XII) Sexual exploitation of children, as defined in [section 18-6-403, C.R.S.](#);
- (XIII) Procurement of a child for sexual exploitation, as defined in [section 18-6-404, C.R.S.](#);
- (XIV) Soliciting for child prostitution, as defined in [section 18-7-402, C.R.S.](#);
- (XV) Pandering of a child, as defined in [section 18-7-403, C.R.S.](#);
- (XVI) Procurement of a child, as defined in [section 18-7-403.5, C.R.S.](#);
- (XVII) Keeping a place of child prostitution, as defined in [section 18-7-404, C.R.S.](#);
- (XVIII) Pimping of a child, as defined in [section 18-7-405, C.R.S.](#);
- (XIX) Inducement of child prostitution, as defined in [section 18-7-405.5, C.R.S.](#);
- (XX) Patronizing a prostituted child, as defined in [section 18-7-406, C.R.S.](#)

(c) If the party was convicted in another state or jurisdiction of an offense that, if committed in Colorado, would constitute an offense listed in subparagraphs (III) to (XX) of paragraph (b) of this subsection (3), the court shall order that party to submit to a sex-offense-specific evaluation and a parental risk assessment in Colorado and the court shall consider the recommendations of the evaluation and the assessment in any order the court makes relating to parenting time or parental contact. The convicted party shall pay for the costs of the evaluation and the assessment.

(4) A motion to restrict parenting time or parental contact with a parent which alleges that the child is in imminent physical or emotional danger due to the parenting time or contact by the parent shall be heard and ruled upon by the court not later than fourteen days after the day of the filing of the motion. Any parenting time which occurs during such fourteen-day period after the filing of such a motion shall be supervised by an unrelated third party deemed suitable by the court or by a licensed mental health professional, as defined in [section 14-10-127\(1\)\(b\)](#). This subsection (4) shall not apply to any motion which is filed pursuant to subsection (3) of this section.

(5) If the court finds that the filing of a motion under subsection (4) of this section was substantially frivolous, substantially groundless, or substantially vexatious, the court shall require the moving party to pay the reasonable and necessary attorney fees and costs of the other party.

Credits

Amended by Laws 1988, H.B.1116, § 1, eff. March 15, 1988; Laws 1989, H.B.1123, § 2, eff. April 27, 1989; Laws 1990, H.B.90-1125, § 1, eff. March 16, 1990; Laws 1991, H.B.91-1255, § 2, eff. May 31, 1991; Laws 1993, S.B.93-25, § 11, eff. July 1, 1993; Laws 1998, Ch. 310, § 15, eff. Feb. 1, 1999; Laws 2000, Ch. 171, § 21, eff. July 1, 2000; Laws 2001, Ch. 222, § 1, eff. Sept. 1, 2001; Laws 2008, Ch. 348, § 1, eff. May 29, 2008; Laws 2010, Ch. 87, § 2, eff. July 1, 2010; Laws 2010, Ch. 156, § 3, eff. April 21, 2010; Laws 2012, Ch. 208, § 33, eff. July 1, 2012; Laws 2013, Ch. 218, § 4, eff. July 1, 2013.

Notes of Decisions (83)

C. R. S. A. § 14-10-129, CO ST § 14-10-129

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West's Colorado Revised Statutes Annotated

Title 14. Domestic Matters

Dissolution of Marriage--Parental Responsibilities

Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-129.5

§ 14-10-129.5. Disputes concerning parenting time

Effective: July 1, 2012

[Currentness](#)

(1) Within thirty-five days after the filing of a verified motion by either parent or upon the court's own motion alleging that a parent is not complying with a parenting time order or schedule and setting forth the possible sanctions that may be imposed by the court, the court shall determine from the verified motion, and response to the motion, if any, whether there has been or is likely to be substantial or continuing noncompliance with the parenting time order or schedule and either:

(a) Deny the motion, if there is an inadequate allegation; or

(b) Set the matter for hearing with notice to the parents of the time and place of the hearing as expeditiously as possible; or

(c) Require the parties to seek mediation and report back to the court on the results of the mediation within sixty-three days. Mediation services shall be provided in accordance with [section 13-22-305, C.R.S.](#) At the end of the mediation period, the court may approve an agreement reached by the parents or shall set the matter for hearing.

(2) After the hearing, if a court finds that a parent has not complied with the parenting time order or schedule and has violated the court order, the court, in the best interests of the child, shall issue an order that may include but not be limited to one or more of the following orders:

(a) An order imposing additional terms and conditions that are consistent with the court's previous order; except that the court shall separate the issues of child support and parenting time and shall not condition child support upon parenting time;

(b) An order modifying the previous order to meet the best interests of the child;

(b.3) An order requiring either parent or both parents to attend a parental education program as described in [section 14-10-123.7](#), at the expense of the noncomplying parent;

(b.7) An order requiring the parties to participate in family counseling pursuant to [section 13-22-313, C.R.S.](#), at the expense of the noncomplying parent;

(c) An order requiring the violator to post bond or security to insure future compliance;

(d) An order requiring that makeup parenting time be provided for the aggrieved parent or child under the following conditions:

(I) That such parenting time is of the same type and duration of parenting time as that which was denied, including but not limited to parenting time during weekends, on holidays, and on weekdays and during the summer;

(II) That such parenting time is made up within six months after the noncompliance occurs, unless the period of time or holiday can not be made up within six months in which case the parenting time shall be made up within one year after the noncompliance occurs;

(III) That such parenting time takes place at the time and in the manner chosen by the aggrieved parent if it is in the best interests of the child;

(e) An order finding the parent who did not comply with the parenting time schedule in contempt of court and imposing a fine or jail sentence;

(e.5) An order imposing on the noncomplying parent a civil fine not to exceed one hundred dollars per incident of denied parenting time;

(f) An order scheduling a hearing for modification of the existing order concerning custody or the allocation of parental responsibilities with respect to a motion filed pursuant to [section 14-10-131](#);

(g) Deleted by [Laws 1997, H.B.97-1164, § 1, eff. Aug. 6, 1997](#).

(h) Any other order that may promote the best interests of the child or children involved.

(3) Any civil fines collected as a result of an order entered pursuant to paragraph (e.5) of subsection (2) of this section shall be transmitted to the state treasurer, who shall credit the same to the dispute resolution fund created in [section 13-22-310, C.R.S.](#)

(4) In addition to any other order entered pursuant to subsection (2) of this section, the court shall order a parent who has failed to provide court-ordered parenting time or to exercise court-ordered parenting time to pay to the aggrieved party, attorney's fees, court costs, and expenses that are associated with an action brought pursuant to this section. In the event the parent responding to an action brought pursuant to this section is found not to be in violation of the parenting time order or schedule, the court may order the petitioning parent to pay the court costs, attorney fees, and expenses incurred by such responding parent. Nothing in this section shall preclude a party's right to a separate and independent legal action in tort.

Credits

Added by Laws 1987, H.B.1122, § 1, eff. July 1, 1983. Amended by [Laws 1993, S.B.93-25, § 12, eff. July 1, 1993](#); [Laws 1997, H.B.97-1164, § 1, eff. Aug. 6, 1997](#); [Laws 1998, Ch. 310, § 16, eff. Feb. 1, 1999](#); [Laws 2012, Ch. 208, § 34, eff. July 1, 2012](#).

[Notes of Decisions \(8\)](#)

C. R. S. A. § 14-10-129.5, CO ST § 14-10-129.5

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West's Colorado Revised Statutes Annotated

Title 14. Domestic Matters

Dissolution of Marriage--Parental Responsibilities

Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-130

§ 14-10-130. Judicial supervision

Currentness

(1) Except as otherwise agreed by the parties in writing at the time of the decree concerning the allocation of parental responsibilities with respect to a child, the person or persons with responsibility for decision-making may determine the child's upbringing, including his or her education, health care, and religious training, unless the court, after hearing and upon motion by the other party, finds that, in the absence of a specific limitation of the person's or persons' decision-making authority, the child's physical health would be endangered or the child's emotional development significantly impaired.

(2) If both parties or all contestants agree to the order or if the court finds that in the absence of the order the child's physical health would be endangered or the child's emotional development significantly impaired, the court may order the county or district welfare department or the court's probation department to exercise continuing supervision over the case to assure that the terms relating to the allocation of parental responsibilities with respect to the child or parenting time terms of the decree are carried out.

Credits

Amended by [Laws 1993, S.B.93-25, § 13, eff. July 1, 1993](#); [Laws 1998, Ch. 310, § 17, eff. Feb. 1, 1999](#).

[Notes of Decisions \(14\)](#)

C. R. S. A. § 14-10-130, CO ST § 14-10-130

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West's Colorado Revised Statutes Annotated

Title 14. Domestic Matters

Dissolution of Marriage--Parental Responsibilities

Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-131

§ 14-10-131. Modification of custody or decision-making responsibility

Currentness

(1) If a motion for modification of a custody decree or a decree allocating decision-making responsibility has been filed, whether or not it was granted, no subsequent motion may be filed within two years after disposition of the prior motion unless the court decides, on the basis of affidavits, that there is reason to believe that a continuation of the prior decree of custody or order allocating decision-making responsibility may endanger the child's physical health or significantly impair the child's emotional development.

(2) The court shall not modify a custody decree or a decree allocating decision-making responsibility unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or the child's custodian or party to whom decision-making responsibility was allocated and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the allocation of decision-making responsibility established by the prior decree unless:

(a) The parties agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other party and such situation warrants a modification of the allocation of decision-making responsibilities;

(b.5) There has been a modification in the parenting time order pursuant to [section 14-10-129](#), that warrants a modification of the allocation of decision-making responsibilities;

(b.7) A party has consistently consented to the other party making individual decisions for the child which decisions the party was to make individually or the parties were to make mutually; or

(c) The retention of the allocation of decision-making responsibility would endanger the child's physical health or significantly impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

Credits

Amended by Laws 1983, S.B.286, § 5, eff. June 10, 1983; [Laws 1998, Ch. 310, § 18, eff. Feb. 1, 1999](#).

[Notes of Decisions \(127\)](#)

C. R. S. A. § 14-10-131, CO ST § 14-10-131

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Title 14. Domestic Matters

Dissolution of Marriage--Parental Responsibilities

Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-131.7

§ 14-10-131.7. Designation of custody for the purpose of other state and federal statutes

Currentness

For purposes of all other state and federal statutes that require a designation or determination of custody, the parenting plan set forth in the court's order shall identify the responsibilities of each of the parties.

Credits

Added by [Laws 1998, Ch. 310, § 20, eff. Feb. 1, 1999](#).

C. R. S. A. § 14-10-131.7, CO ST § 14-10-131.7

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